

GIL DAUGHTRY,

Plaintiff

V.

HARRELL WATTS, *et al.*,

Defendants

.....

CIVIL NO. 1:11-2210

Judge Rambo

Magistrate Judge Smyser

MEMORANDUM

On August 21, 2012, the Magistrate Judge to whom this matter was referred filed a report (doc. 56) recommending that Defendants' motion for summary judgment be denied. On September 4, 2012, Defendants filed objections to the magistrate judge's report and recommendation (doc. 57 & 58). One objection set forth by Defendants was that the complaint should be dismissed as moot. The basis for the underlying suit is that Defendants' denied Plaintiff cataract surgery on his right eye. That surgery was performed on August 13, 2012.

Plaintiff requested that a stay of the proceedings be granted as he was in transit and did not have his file to respond to Defendants' objections to the report and recommendation. By order dated September 27, 2012 (doc. 68), this court denied the motion to stay proceedings but gave Plaintiff until October 15, 2012 to respond to the mootness issue. To date, no response has been received. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: November 27, 2012.